

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CASSETTA D. TAFT,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-993-D
)	
CAROLYN W. COLVIN, Acting)	
Commissioner, Social Security Administration,)	
)	
Defendant.)	

ORDER

Before the Court is the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 28], filed by Plaintiff's attorneys. The Acting Commissioner has filed a timely response to the Motion, but takes no position concerning the attorneys' request for court approval of a fee award in the amount of \$24,301.50. Instead, the Acting Commissioner urges the Court to undertake an independent review and to determine the reasonableness of the request as required by *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), and *McGraw v. Barnhart*, 450 F.3d 493 (10th Cir. 2006).

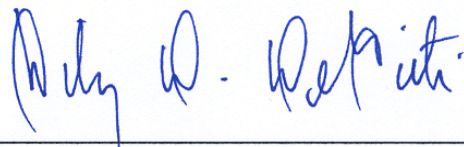
Upon consideration of the Motion in light of the record and controlling law, the Court finds that Plaintiff's attorneys should recover a reasonable fee for their representation of Plaintiff in this case and a prior case regarding the same claim for benefits, provided the award is within the statutory limit and the attorneys refund to Plaintiff the amount of \$9,162.60 previously awarded in the two cases under the Equal Access to Justice Act (EAJA). *See* Order [Doc. No. 25] (awarding EAJA fee of \$5,411.60); *see also Taft v. Astrue*, Case No. CIV-08-425-F, Order (W.D. Okla. June 11, 2000) (awarding EAJA fee of \$3,751.00). The Motion, supporting documents, and case records reveal a total of 54.4 hours of legal work devoted to the two cases (47.7 attorney hours and 6.7 paralegal or intern hours), which resulted in two favorable judicial decisions and, ultimately, a

substantial award of benefits to Plaintiff. After the final remand in December, 2012, Plaintiff was determined to be entitled to disability benefits and received a past-due award in the amount of \$97,206.00. Plaintiff twice engaged the same attorneys and contractually agreed to a contingent-fee payment of 25% of all past-due benefits. The attorneys began representing Plaintiff more than six years ago in March, 2008. Further, the Motion was filed within the time period previously determined by the Court to be reasonable. *See* Order of June 4, 2014 [Doc. No. 27].

Under the circumstances presented, the Court finds that the requested amount of \$24,301.50 represents a reasonable fee for the work done by the attorneys in Plaintiff's cases in view of the nature of the representation and the results achieved, and that this amount does not exceed 25% of Plaintiff's award of past-due benefits obtained by reason of the Judgments entered May 21, 2009, and December 11, 2012. The Court therefore finds that the Motion of Plaintiff's attorneys should be granted.

IT IS THEREFORE ORDERED that the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 28] is GRANTED. The Court approves an award of attorney fees under 42 U.S.C. § 406(b) to the signatory to Plaintiff's fee agreements, Steve A. Troutman of Troutman & Troutman, P.C., in the amount of \$24,301.50. Plaintiff's attorneys shall promptly refund to Plaintiff Cassetta D. Taft the amount of EAJA fees previously awarded of \$9,162.60.

IT IS SO ORDERED on this 22nd day of July, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE